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06-CV-00746-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TOBY MASSE,

Petitioner,

v.

T. LONG,

Respondent.

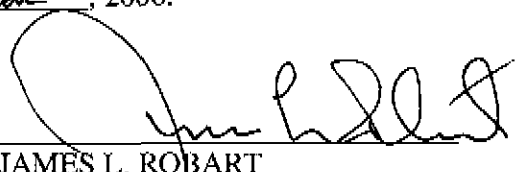
CASE NO. C06-746-JLR-MJB

ORDER DISMISSING § 2254 PETITION

The Court, having reviewed petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, respondent's motion to dismiss, petitioner's response, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, any objections thereto, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Petitioner's § 2254 petition (Dkt. #6) is DISMISSED as untimely.
- (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to Judge Benton.

DATED this 12th day of October, 2006.


JAMES L. ROBART
United States District Judge

ORDER DISMISSING § 2254 PETITION